

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

292J0242

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1122 - 01/28/2004

Introduced by: Representatives Michels, Cutler, Deadrick (Thomas), Engels, Gillespie, Madsen, McCaulley, and O'Brien and Senators Knudson and de Hueck

1 FOR AN ACT ENTITLED, An Act to revise the procedure for registering a business name.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 37-11-1 be amended to read as follows:

4 37-11-1. It is a Class 2 misdemeanor for any person ~~or copartnership~~ to engage in or conduct
5 a business for profit in this state under any name which does not plainly show the true surname
6 of each person interested in such business unless a statement is filed first. The statement shall
7 be verified by each person interested in the business, showing the name, post office address, and
8 residence address of each person interested in the business and the address where the main
9 office of the business is to be maintained. The statement shall be electronically filed ~~in the office~~
10 ~~of the register of deeds in each county where the business is maintained~~ with the secretary of
11 state and the filing shall be renewed every fifth year thereafter. A fee of ten dollars shall be
12 ~~charged for~~ paid with each new filing and renewal ~~in accordance with subdivision 7-9-15(3).~~

13 Section 2. That § 37-11-2 be amended to read as follows:

14 37-11-2. A verified statement as described in § 37-11-1 shall be similarly filed ~~from time~~
15 ~~to time~~ upon any change in ownership, operation, or persons interested in the business. A fee



1 ~~of ten dollars shall be charged for paid with~~ each filing under this section ~~in accordance with~~
2 ~~subdivision 7-9-15(3).~~

3 Section 3. That § 37-11-3 be amended to read as follows:

4 37-11-3. The ~~register of deeds~~ secretary of state shall record the information required ~~by and~~
5 ~~filed with him~~ pursuant to the provisions of §§ 37-11-1 and 37-11-2 in such manner as may be
6 necessary to effectuate the purposes of this chapter.

7 Section 4. That § 37-11-2.1 be repealed.

8 ~~37-11-2.1. The register of deeds shall cause to be placed in each of the legal publications in~~
9 ~~the county in the first January issue thereof a notice briefly setting forth the obligation provided~~
10 ~~for in §§ 37-11-1 and 37-11-2.~~

11 Section 5. The secretary of state may expend funds from § 57A-9-527 for developing and
12 maintaining a system for recording the information filed pursuant to this Act.